

TRANSCRIPT

ROAD SAFETY COMMITTEE

Inquiry into motorcycle safety

Melbourne — 18 October 2011

Members

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Witnesses

Mr D. Codognotto, and

Mr M. Czajka, Independent Riders Group; and

Mr G. Gouron.

The CHAIR — Welcome as to the representatives of the Independent Riders Group. Thank you for taking not only the time to present evidence now but for the time you have spent listening to the proceedings over the past two days more or less. For protocol purposes, you would be aware that your comments will be recorded by Hansard. You have the benefit of parliamentary privilege at the present time. Comments made outside the room will not have that benefit. You will get a copy of the Hansard transcript and you will have the opportunity to correct typographical errors and return it, following which it will be placed on the web. We have received some 68 submissions, and the committee is very grateful for the keen-minded insights that come from many different perspectives and directions. We respect the experience you will bring to this deliberation as well, and I invite you to speak to your material, following which we will be pleased to ask questions of you.

The CHAIR — Please introduce yourselves and make sure that Hansard has a list of names. Can you then introduce yourselves so that Hansard has a record of who you are?

Mr CZAJKA — I am Michael Czajka.

The CHAIR — And Czajka is spelt C-Z-A-J-K-A?

Mr CZAJKA — Yes.

Mr CODOGNOTTO — I am Damien Codognotto.

Mr GOURON — And I am Georges Gouron.

The CHAIR — George with an S at the end?

Mr GOURON — With an S at the end, yes — the French way.

The CHAIR — And Gouron is spelt G-O-U-R-O-N?

Mr GOURON — That is right, yes.

The CHAIR — Good. Is it pronounced ‘George’?

Mr GOURON — Georges, yes.

The CHAIR — Okay. Over to you.

Mr CODOGNOTTO — We very much appreciate the opportunity to have input. As you would be aware, we have already put in a submission that covers a fairly wide range of motorcycling and motorcycle-related topics. We come from the point of view of the actual users, so we consider ourselves to be stakeholders.

Georges is 66. He bought his first motorcycle in 1961 in France. He has done the overland route to Australia, he has been around South America and he is an honorary life member of the Motorcycle Riders Association. The two bikes before his current bike — he put over 200 000 kilometres on each, and 25 000 on the current one, which is fairly new. Georges brings a lot of information about the practical use of bikes in various conditions and about the clothing you wear on bikes to protect you and to remain comfortable.

Michael has a string of qualifications. He also has a lot of experience in motorcycle lobbying and on government committees and so on. He is 48 years of age, and he has been riding since 1983.

The CHAIR — In terms of the string of qualifications, do they relate to motorcycle riding?

Mr CZAJKA — Every one has in fact been used to advance motorcycling. I have a science qualification looking at materials; a nursing qualification — I have actually looked after riders in hospital; and an accounting qualification — I often look at the financials and costings of road safety projects. I have an IT qualification — that is an information distribution technique that the TAC often needs to adopt; and I have an education qualification, which is communication, how to teach people, stuff like this and how you would communicate best with them. I think they are all motorcycle related; they are just unusually broad.

The CHAIR — I trust that leaves enough time for motorcycling.

Mr CZAJKA — Every day.

Mr CODOGNOTTO — I am 61 and have been riding motorbikes since 1967. I have had a lot of experience on government committees and in lobbying, and I was given an honorary life membership of the MRA in the 1980s and an Order of Australia Medal for my work, particularly community service work, through motorcycling in the 1990s. I still ride, and I tend to get very nervous and upset when I am away from the bike for too long.

Mr ELSBURY — We will try not to keep you then!

Mr CODOGNOTTO — I do not mind this sort of thing. Since the last inquiry, which produced three documents, these two are the keys: one on conspicuity and one on motorcycle safety in general. That is 1992 and 1993, so it is nearly 20 years since we did this. I worked with Ray Newland, who was then at VicRoads, to write the terms of reference for these two.

If you look at the last eight years of Victorian Auditor-General's reports, it shows 58 per cent in motorbike registrations from over 100 000 to 163 000 roughly. These figures are from February this year. Motorcycle licence-holders have gone up to 326 000; that is a 36 per cent increase. I would think their use for daily commuting is a really major area. Around the city, St Kilda Road and the inner suburbs you see lots of scooters and smaller motorcycles that are specifically for commuting. There is also a role for scooters and smaller motorcycles in outer suburbs to get people who may live 2 kilometres or 3 kilometres from, say, from a railway station or a bus terminal to public transport to the city to work. In regional centres too — Geelong and Ballarat — people go to the railway station and leave their bikes there. You can park six to eight motorbikes or scooters in the space of one car. They are very efficient space wise and they help out with parking.

There is another area that we are working on with Tourism Victoria at the moment — that is, developing a strategy plan for recreational riding. People do not understand just how much money is spent by motorcyclists just on an average weekend, and it is pretty much year-round, because with the protective gear we have now, you can ride in winter and summer. It is obviously more pleasant in spring and autumn, but it can be a year-round occupation. The bicycle community already has a tourism strategy plan, and the estimate from Tourism Victoria is that \$362 million a year goes into the Victorian economy just from bicyclists touring. We believe, from the informal surveys we have done, that the value of motorcycling to Victoria is greater than that in terms of coffee, fuel, food, accommodation and so on. Then there are the off-road bikes, which are not exactly our area, and other people have spoken to that.

Information from the Federal Chamber of Automotive Industries which came out last Thursday shows new bike sales to the ninth month of this year have increased by 4.5 per cent with strong growth in scooter sales, which is fairly obvious. One of the things we would mention is that when people look at the market outside the industry — VicRoads and the TAC — they tend to look just at new bike sales. That is one of the problems we have with data. We should be looking at all sales, because the second-hand bike market is a big market too, and obviously it tells us something about who is out there, what they are riding and so on.

In preparing for today, I looked at a couple of documentaries. We got this one from the Parliament, and I recommend it to everybody; there are a number in the foyer here. It is called *From Westminster to Spring Street — Governing Victoria*. It gave me some really important insights because basically what it says is that in our system of government there are checks and balances, and this committee and this hearing is one of the checks and balances. We have a problem where we have road safety split up into various departments. They all have their own agendas and that is damaging the quality of data and the availability of data, and it means also that people who have something to contribute are quite often locked out of the system. There was another documentary that I also watched to refresh my mind. Basically, in my opinion, this relates to VicRoads. I recommend it to the committee as well.

Mr ELSBURY — That is the standard training manual.

Mr CODOGNOTTO — Yes.

Mr CZAJKA — For anybody who cannot see, it is *Yes, Minister*.

Mr CODOGNOTTO — It is *Yes, Minister*; I think it is series 1. What we are going to put before you are some elephants. When people talk about elephants in the room, they are taboo subjects; they are things we do not want to talk about. I have noticed here that one of the clear taboo subjects that no-one has mentioned is that when somebody winds up like the 50-year-old that Professor Gruen from the Alfred mentioned — he was the only person to mention that that guy would not have been in the condition he was in if he had not been clipped by a car. Who causes the greatest number of bicycle, pedestrian, motorcycle and scooter injuries? The answer is car drivers. They make a mistake or they do not look. We have heard a lot about them not looking. It is not that they cannot see things — they avoid lampposts because they can see them. The only area where they could possibly run a credible argument is that speed and distance perception could be a problem. But not looking should not ever be accepted as an excuse for running into somebody. Once they say, ‘I am sorry, I did not see him’, that is either an admission of incompetence — in other words, their eyesight is not good enough and they need to be tested — or it is an admission of negligence; they did not look. That is the way it should be taken when they look at a crash scene. But unfortunately, with bike crashes, they do not.

Mr CZAJKA — I think the previous inquiry made a similar point — that is, that other car drivers were not expecting to see, be it buses, trams or trucks. They are also not seen sometimes. They are simply not expecting to see them, so there is a problem with training.

The CHAIR — What year was that report, please?

Mr CODOGNOTTO — March 1992. It was an inquiry into motorcycle visibility. Much of what was recommended from that has happened. It talks about increasing the frontal area of bikes so you can see more. In those days most bikes did not have fairings; they just had a headlight and a mudguard. Now they have fairings that are much bigger. They have reflectors that face forwards, sideways and to the rear. All bikes are sold with the lights on now; they are hardwired. It is not law that you have to have your bike hardwired, but that is the way they are brought into the country. We said to VicRoads at the time, ‘Please research this. You have 10 years before the light laws and conspicuity come in. For the next 10 years please research it’. We could have some really good information about conspicuity, about lights on, about the colour of clothing and garments and all of that. We could have really solid data. They said, ‘No. We are not putting any effort into that’.

A similar thing happened with the 250cc law. Everybody said, ‘Motorbikes are getting too powerful, so we will reduce the size of the motor’ which, even to a non-mechanical-type person like myself, was stupid, because they make race bikes with 125cc engines. It was obvious that the minute you put a restriction of 250cc on the engines they were just going to soup them up and you would have race replicas out there and people would be restricted in their choice of machines. You could have a very large person on a tiny little bike with a very high-revving engine with no low-down torque, putting themselves in danger on a really potent little piece of equipment that is a heap of fun for someone who knows what they are doing but is not good for novices. So they said, ‘Novices can have only those bikes’. We said, ‘Okay, if you are insisting on doing that, please let us have research into what sort of bikes are crashing. It is easy to collect that information from the registration number; you will know the size and type of the bike’. But again, no, they were not going to collect that because, we felt, it might interfere with some of their theories.

Mr CZAJKA — I was going to add that one of the documents I submitted was on training basically as risk management. The girls indicated earlier that they were really not sure what they should do around bikes. There are easy ways to train people on this; that is what the risk management document talks about. It defines risk management as avoiding risks to prevent accidents. It also mentions that defensive riding has a perception which it discounts as a somewhat misleading term. At least they may mislead you, change the way you think about things, so risk management is a better, more encompassing term which makes people think holistically rather than narrowly — not just the hazard you can see but what risks might be out there. That includes things like bike rider attitude. It is a broader concept than just a hazard.

Defensive riding and risk management strategies have not been funded very aggressively. In fact most of the research has been done just on skills. They consider that defensive riding, but it is not really. With risk management, as taught in a classroom, a book can be used to teach. An instructor helps the student to visualise what is occurring on the road. That is a visual tool. There is a video which helps you visualise a dangerous situation through an interactive experience on a computer where you have to make some kind of decision, like the girls were talking about. You have set of VR goggles and a dummy motorcycle. You are working way up

the scale. Each one is more realistic than the preceding one, and of course you have a cross-trade-off. You want to produce it at the lowest possible cost for the greatest benefit.

I am arguing that there is an advantage to a computerised system that is interactive, because it can be produced at a low cost — probably \$1 a disk — or distributed straight off a website with distribution costs of about 10 cents per download. The advantage of the computerised system is that you cannot put a rider, a potential rider or even a car driver in a dangerous situation. It is not possible, except in virtual reality. The message is consistent each and every time. The participant's attention is held every time; it holds the attention well. It does not require reading; a large number of people do not read very well — about 25 per cent of the population. It provides iteration, and it gives you a chance to practise those skills repeatedly until you get it right. It is non-threatening; you are not going to get killed. Even if it is a dangerous situation, it is all in your mind, and the mind is a very powerful thing. Athletes visualise what they are going to do to train sometimes. It provides objective feedback on how well you are doing, and it is cost effective.

This cuts both ways. This should happen both for bikes and for car drivers. Half the problem at least is the car driver. You do not want a car driver not to be looking for you, and the way to get them to look is to include motorcycles in their training products. Currently training products that are starting to go down this path do exist. One of those products is the TAC Ride Smart CD. There is also a Drive Smart CD for cars. The trouble with them is that they do not go far enough. They did not involve enough data. There is not enough motorcycle involvement there, it is not as interactive as it should be and the resolution is very poor.

These are some ways that you can address the issue practically and very cost effectively. I might add that the TAC is very happy with the product they have. It is one of their most successful products, yet they fought every inch of the way before they produced that product. They produced it with cut-offs from their car product; they would not fund a full product.

Mr CODOGNOTTO — Having said that, the TAC is one of the areas we have a problem with; it tends to be an isolated monarchy or province or something.

Mr CZAJKA — It is a monopoly.

Mr CODOGNOTTO — It works with VicRoads and the police to an extent, but just the same as VicRoads and the police have their own little areas of authority and play their cards close to their chest, the TAC is a semi-government insurance company. It has in its legislation, I understand, and a responsibility to reduce road trauma, reduce the cost of it or both. I have not read that item, but that is what I understand. It is a state monopoly. It sells a compulsory product, so it has no need for a corporate image. You can have some image, but it does not need to have a corporate box at the MCG and it does not need to be on sportsmen's jackets — a lot of money. It certainly does not need to be putting up ads that are for motorcyclists that are basically telling car drivers that they do not matter because they are irresponsible jerks — 'Riders, you reduce the risk, you are at fault, you are to blame'.

We believe that the money spent on self-promotion should be invested in the welfare of the victims. You heard about the damage done to the 50-year-old father, the businessman, and how his life and his family's life in the future is going to be very difficult. TAC money ought to be put into rehabilitation and into better facilities at rehabilitation centres like Royal Talbot. It should be put into real medical research. The doctor asked me as he went out — they need money to run a conference, and they are looking for sponsors — how much did that advertising before the grand prix telling drivers that we should reduce our own risk cost? They could have funded the doctors conference 10 times over with the cost of that commercial advertising.

The reason for this, we think — or one of the contributing factors — is that the TAC has a board of nine directors. If you go to their website, you will see that all nine of them are administrators, financiers and high-level academic businesspeople. They are well qualified for that role — that is, a company role. There is nobody on that board, according to the write-up on their website, who has any understanding of or qualification in transport. There is nobody on that board who has any understanding of or qualification in road safety, let alone motorbikes and scooters. That board is totally unbalanced. The Assistant Treasurer wrote to me in March this year, and he said, 'I unequivocally concur that road safety and road transport issues are important. I expect the TAC and its board to consider such items at all times, where appropriate, so that the TAC can meet the

needs of the Victorian community'. The TAC is not meeting our needs, and we are a legitimate part of the Victorian community.

To give you an idea of how they can give you misinformation or a misleading figure, we had the TAC say that they collect from motorcyclists \$53 million a year, but they pay out in compensation 20 million. That sounds —

Mr LANGUILLER — 150, that is what they said — 53 collection and 150 expenditure.

Mr CODOGNOTTO — Okay. I am happy you have done that. But the thing they left out is our premium. We pay as much premium to have one bike on the road as a four-wheel-drive, and that is a lot more than \$53 million. That is only the discriminatory tax they put on us. One of the problems we have is that different departments have different agendas — for example, none of us, including Professor Wigan, can get on or even appear at the Motorcycle Advisory Group. They just do not want people who do not agree with them. They have some secrecy or confidentiality controls, and they have the right of veto for any material going to the minister. If they do not like something, it does not get to Terry Mulder. If there is a paper that comes up and they are not too happy with the way it came out, it stays confidential and never gets released. The full report of the wire rope barrier tests at Laverton 10 years ago has never been released.

Mr CZAJKA — That is one of the reports Telmo was asking about.

Mr LANGUILLER — Can you name them, as a matter of interest?

Mr CODOGNOTTO — That is one of the problems. If you can name the reports, I can go and get freedom of information and we have a chance of getting them.

Mr CZAJKA — It was a private report done by Professor Raphael Grzebieta in about 2001, which is why we have never been able to access it. It has been quoted by every major researcher except us. We cannot get hold of it. I know it has some unusual facts in it.

Mr LANGUILLER — Have you sought that report under FOI?

Mr CZAJKA — It is not subject to FOI. We tried through VMAC. We could not get it. There are reports like that that we have drawn your attention to. In the wire rope barrier document, which you should have, it is mentioned that this report is missing. I have identified it as closely as I can.

The CHAIR — Was it a TAC-initiated report? Who funded it?

Mr CODOGNOTTO — VicRoads, I think, wasn't it?

Mr CZAJKA — No, I do not think it was. That is the point. That is why it is not subject to FOI.

The CHAIR — Which university did the professor work with?

Mr CZAJKA — He was with MUARC at Monash, and it is Raphael Grzebieta.

Mr CODOGNOTTO — I think he is in Sydney now, isn't he?

Mr CZAJKA — He is all over the place. He is a transport engineering professor as well, and he has taken on motorcycles a little too. We just cannot get this report. We always get it quoted against us, but we do not know what is in it. One of the famous quotes was that wire rope barriers stop 100 per cent of crossovers. We know that is not true. They do not stop trucks, they do not stop motorcycles and they probably do not stop other vehicles as well.

The CHAIR — I am a little conscious of time, and we have about 10 questions that are part of our brief to run through. We are meeting with Professor Raphael in Perth in a month or so.

Mr CZAJKA — You could ask him about the report then.

Mr CODOGNOTTO — In the 2005 report of the Road Safety Committee's inquiry into crashes involving roadside objects, the executive summary on page viii says:

The committee noted a number of areas where crash information was missing or could be more detailed.

The 2006 report of the committee's inquiry into driver distraction says:

In view of a lack of suitable definitions, categorisations and suitable data, Victoria and most other Australian jurisdictions are not well placed to accurately assess the role of driver distraction on crashes.

In every area of road safety, we do not have the data. We are not investing enough in good-quality science. We have government departments that are fragmented, so you never know who is going to do what and where. They take money and say, 'Here's the brief — that's what we want — and here's the money to pay for it'. The research organisations have to take that into account, and we get bad data as a result. We believe we need an independent road safety authority.

Mr CZAJKA — I can summarise that for Damien. We came up with a strategy a while ago for safe roads, safe vehicles and safe people which is visual in nature, but in the middle of it we added safety information because it was obvious to us that this information was not flowing. It seems to be a motorcycle problem. Many other groups do not have this problem; we do. If you do not get the information, you are making bad decisions.

I can also address the motorcycle costs. We found that, yes, the figure is 1 to 3. A lot more is paid out than is paid in, at least apparently. When you take into account that motorcyclists own cars as well, we are actually paying two registrations. Virtually every motorcyclist has a car and is paying car registration, which brings the payout ratio down to about 2 to 3. In 2001, 35 to 37 per cent of motorcycle fatalities were unlicensed to ride motorcycles. I think you have heard that on the off-road stuff. Of these unlicensed motorcyclists, most were licensed to drive cars and paid car registration. When you start to adjust for those considerations, you realise that motorcyclists are actually paying their way on accidents, but you have to realise that the TAC did all their estimates after the \$50 levy was announced, not before. It is not a genuine costing, and the costs should be looked at a bit harder. In fact the TAC — —

Mr LANGUILLER — I am sorry to interrupt, but is that a fact in relation to the submission that the TAC made to this committee in relation to their \$53 million of revenue?

Mr CZAJKA — Yes, it is something like that. I do not have their latest figures — I am quoting old figures — but I know the ratio has not changed that much. We know now that the Auditor-General has identified this huge off-road component and we know it is driving some of the on-road accidents, and that means the costs. A lot of these riders are registered car drivers, so they actually are contributing to the pool but not in the way that is intended — not through motorcycle registrations. By the way, this is a no-fault system: the only users in the no-fault system who we are attributing fault to are motorcyclists. That is really unfair; it is meant to be a no-fault system. I am arguing that we are paying our way, but you need to slice the numbers differently.

The CHAIR — We have a number of questions. How much longer do you have on your presentation to us?

Mr CODOGNOTTO — I am up to speed.

Mr LANGUILLER — Do you want to incorporate this as part of your submission?

Mr CZAJKA — Yes, I would. It is part of an MRA policy document we wrote a while ago, and it happens to have some nice facts about the registration fees and how much it actually costs, from a motorcyclist's perspective. We have tried to talk to the TAC about this, but they really do not spend much time analysing their budget. They are a monopoly. If they have a cost, they simply increase fees to motorcyclists or to road users. They do not try to control their costs, and that is a problem with a monopoly.

I would like to put one other point to the committee before we go to questions. One of the other reports I have been trying to get for a long period of time is one relating to trees by Professor Narelle Haworth. It is a VicRoads report and has been tied up in their legal department. Trees are a constant theme in motorcycle accidents, or roadside hazards are a theme. The trees we see on our roadsides that have been approved by VicRoads for planting are in excess of their own standards, which require no more than a 10-centimetre bole diameter. Every one of the trees in their approved roadside plantings will grow to more than 10 centimetres. If it is bigger than 10 centimetres, it will definitely kill a rider. In fact 10 centimetres will kill a rider. The standard should be adjusted to about 1 centimetre. VicRoads have failed to do this despite repeated requests over about

20 years. We have submitted a letter identifying the documents, making the request and showing where they have resulted in fatalities.

The CHAIR — We will move on to some questions. We have already had some commentary in relation to concerns about lack of scientific research. There is a matter of contention regarding reliable data. You assert that reliable data is not published by the government, yet many of the submissions we have received include publicly available data. The question I put is: what do you mean by reliable data, so to speak?

Mr CZAJKA — Data is often not inclusive of all considerations — for example, you have just heard some stuff about front numberplates. I read the front numberplate information that I could get hold of, and it suggests it is talking about all numberplates and all non-identifications. In fact when we last looked at the issue we found that very few speed camera shots were taken from the front, so the problem really is obscured rear numberplates. We know that we have a large number of unregistered, unlicensed riders in the population; we suspect that may be driving the data. But the last time we dug these facts up we found that adding front numberplates to motorcycles would not increase detections dramatically, and in fact many car drivers also failed to be detected because of obscured front numberplates.

The CHAIR — Have you ever requested data from government and not been provided with it?

Mr CZAJKA — I think we have given you a couple of examples: the wire rope barrier report from MUARC and the Narelle Haworth report from VicRoads. We know that they are contentious reports and may have data that is not advantageous to VicRoads.

The CHAIR — How would you see the TAC police statistics and their methodology in the collection of data being remedied?

Mr CZAJKA — That is a good question. They have got only two people there doing research. They could add an extra person, and they could use research to drive programs rather than letting politics drive programs.

Mr CODOGNOTTO — And they could drop the concept of marketing. They do not need to market anything. They do not need market research companies.

The CHAIR — When you refer to cost-effective research you would take the marketing component out?

Mr CODOGNOTTO — Yes, it needs to be about finding out what the facts are and then using the facts to find a countermeasure to a problem. It should not be about having focus groups on something you want to prove.

Mr CZAJKA — If you can make this information available to independent researchers or make it freely available, then you improve decision making.

The CHAIR — Noted. Have you used FOI to try to track any of the reports that you have sought?

Mr CZAJKA — We were not able to use it on the MUARC one. The Narelle Haworth one was coming through VMAC. It was meant to come, but I still have not seen it. You have to know what you are asking for, and sometimes in these cases you often do not ask. You want a bunch of data and you want to analyse it and look for elephants in the room, such as off-road riders. A few years ago VicRoads identified that 38 per cent of their claims were coming from the off-road area. That was years ago. They were meant to do an analysis of it, but I have never seen it. Why not? Because it is not in their interest to do so. The Auditor-General identified a huge number of riders who simply are not covered by the scheme but should be.

The CHAIR — Yes.

Mr CZAJKA — They do not want to know about it.

The CHAIR — Moving on to wire rope barriers, what do you suggest road agencies do to make them better for riders?

Mr CZAJKA — The wire rope barrier report has identified that for starters they are not cost effective. I sent you a PhD study showing just that. I do not know whether that has made it into the committee's notes.

The CHAIR — Yes, and I will make one quick footnote. All submissions should go via the committee through which it will then be presented to us and will form part of our reading material.

Mr CZAJKA — It was made to the Road Safety Committee.

The CHAIR — Yes, thank you. It has been received.

Mr CZAJKA — It is exactly what I have been saying for years. My background is accounting. I got the VicRoads costs for these barriers, and there is not much difference except when you consider whole-of-life costs. Nobody is costing whole of life; you double or triple the cost once you consider that. Wire rope barriers are not cost effective. How can you improve? You can move it further away from the road.

Mr CODOGNOTTO — Let me put in this one from the 2005 inquiry into crashes involving roadside objects:

The committee found 9 metres is no longer world's best practice for the minimum clear zone for high-speed, high-volume roads, such as freeways, and has recommended that this be increased. Clear zone width should also be reviewed...

What motorcyclists need are run-off areas. It is proved virtually every day of the week on racetracks. I have a little bit of a video to show.

Mr CODOGNOTTO — It is silent, but you will see people coming off at high speed wearing the right gear; they slide, and they get up. Some of these are pretty horrendous crashes at 200 kilometres an hour, but it shows you that if you come off at freeway speed, let us say 95 k, and you are sliding on the bitumen, your bike is sliding over there and you come up against wire rope barriers, it is like being hit by a baseball team all with bats, because the posts are what do the damage and you generally hit them at an oblique angle. So you clatter down. That is what kills people.

Mr CZAJKA — It is the sudden stop that kills you.

Mr CODOGNOTTO — If you put your barrier right down the middle, then you have got run-off area — in other words a wide median, like on the ring road. It is better for car drivers and certainly better for motorcyclists.

Mr CZAJKA — The other simple solution is to simply remove hazards rather than install barriers, and it is a solution that is underutilised by VicRoads. They have got a preference for installing barriers over removing hazards. By hazards I mean trees, because often the tree is the hazard.

Mr LANGUILLER — Is that not what is used in professional races and so on?

Mr CZAJKA — You will not see trees at a race circuit. You will see all the best practice. By the way, I think we influenced best practice on all the racetracks. We pointed out that the paint on the roadsides was slippery; they changed it and made it more high friction so that people would not slip on it. They removed all of their hazards. They created nice big open zones. We have used some of their ideas as well, I might add. These riders are coming off at huge speeds and not suffering much of an injury.

Video shown.

The CHAIR — I appreciate the effort you have gone to to show us some material, and we will watch it as it comes up. We are going around the track now.

Mr CODOGNOTTO — This is fairly old footage, but the principle is the same: if you have run-off areas, as recommended in this 2005 report, then you have a far higher chance of survival. Look: he may not be happy, but he is not lying there motionless.

Mr CZAJKA — Riders usually come off at very shallow angles, so in fact 9 metres for us is actually quite okay. Cars tend to go off at slightly sharper angles. Some of this stuff is at 200 or 300 kilometres.

Mr CODOGNOTTO — The other point is that the rider and the bike separate when they are down.

The CHAIR — One of the riders got up. What happened to the other fellow?

Mr CODOGNOTTO — There were no serious injuries like broken bones in that race.

The CHAIR — Thank you. The point has been well illustrated, and we note the 9 metres recommendation.

Mr CZAJKA — I would like to add one other point. We consulted with Claes Tingvall at MUARC, when he was the director, and he suggested that the posts did not in fact have to be so strong. All they are there for is to hold up the rope. They can be quite flexible, and I believe the committee has received a submission on that.

The CHAIR — What about some sort of cover over the posts?

Mr CZAJKA — That helps.

Mr CODOGNOTTO — In theory it sounds good. On Armco you can cost effectively put a skirt down the bottom, and it works because it makes a smooth surface to slide on. We are the wire rope capital of the world. Other countries are backing out of the stuff because they have suddenly worked out how much it costs — —

The CHAIR — Which other countries?

Mr CODOGNOTTO — Norway has banned them entirely. I understand France will not put any more in but that what is in stays. If you look at the Tour de France or any of the live — or not even necessarily live — shows from North America or Europe, when they show you roadways you never see wire rope. It is just not there.

Here is a good one to ask VicRoads. You can ask VicRoads two questions that ought to be simple accounting: one, in the last year how many kilometres of wire rope barriers did you install? And two, how much did you spend on it? They are very easy questions.

The CHAIR — We can follow that through.

Mr CODOGNOTTO — We have been asking for years.

The CHAIR — We will note that and we can follow it through.

Mr LANGUILLER — If I may, just before you move, you have given me this DVD.

Mr CODOGNOTTO — Yes.

Mr LANGUILLER — You gave me the DVD in the course of a conversation we were having off the record in relation to an exercise on a DVD that I saw at a recent conference. It shows trials of four-wheel drives running into wire ropes and shows allegedly the benefits of the wire ropes as distinct from hard surfaces. What is this DVD, and is it part of your submission? Do you want to incorporate this into your submission?

Mr CODOGNOTTO — Yes, the first part is the original sales promotion that we were given by VicRoads to show us that the wire rope worked — it stopped trucks; it was wonderful. It was brand-new gizmology and they loved it and were going to buy it, regardless of our concerns. They have used a lot of things in that sales promotion that are just false. For example, it says in there that they had the English Motorcycle Action Group's permission to say that they support wire rope. When we rang them in England and said, 'Did you know they are using your logo on that thing?', they were furious; they were going to sue them. I do not know whether they ever did.

The second part of that is very important to note, because it is not just motorcyclists that that stuff is killing. At the end of that wire rope barrier, you will see one of many horrendous crashes involving cars — in that case, a truck going straight across a wire rope barrier at Yatala in Queensland in 2006 and ploughing head-on into oncoming traffic. One woman driving a ute was killed and the ute was cut in half; eight other people went to hospital in serious conditions, all in cars; and six cars were destroyed outright, wrecked. When the chief engineer of RACQ, John Wikman, got up on national television and said, 'This stuff doesn't work, we should replace it', it was not even 24 hours and you could not get him on the phone; he just disappeared. Then the minister got up and said, 'Oh, well, no barrier would have stopped that crash', which is the same thing they said at the Burrumbeet fatal crash with a four-wheel drive and wire rope barrier — 'No barrier would have stopped that vehicle'. How do they know? Where is the data? Where is the proof?

Mr CZAJKA — Concrete barriers would have stopped those crashes.

Mr CODOGNOTTO — Absolutely.

Mr CZAJKA — And they are not harmful to motorcyclists.

Mr LANGUILLER — Thank you for that. Through the Chair, if we may incorporate the DVD.

Mr CODOGNOTTO — I get quite passionate about wire rope.

The CHAIR — Thank you, Mr Codognotto. I would like to run through a couple of questions quickly, with the forbearance of my colleagues, so we can meet our timing objectives. You mention support for an independent road safety authority. The question I put to you is: how might that differ from current arrangements, so to speak? I would like to invite a bullet point answer or for you to take some time to define it in more detail, which we can take in writing from you later on. We can review it if it is addressed to the committee. One issue is the independent road safety authority. Is there any 10-word marked difference that that authority would reflect, as opposed to the current arrangements?

Mr CZAJKA — Currently there is a conflict of interest between the people gathering information and those responsible for our roads. They do not want to be sued for what is going on, so often they manage information to reflect positively on themselves. That is not necessarily in the best interests of road users.

The CHAIR — Thank you. So independent data gathering?

Mr CZAJKA — Yes.

The CHAIR — The next question is in relation to the safety levy. How could that be used in different ways now which might be of benefit to riders?

Mr CZAJKA — The document I gave on how to train riders — and drivers, I might add — to improve risk management would be one very cost-effective way to do that. Because it is one thing we have not really addressed. We have not addressed virtual reality or how to train people without putting them in risky situations. It is a very simple one to do and there is lots of documentation.

The CHAIR — Can you just expand on that a little bit more?

Mr CZAJKA — If you can show a rider what a dangerous situation looks like and how to respond to that situation safely, then every time they go out on the road and they see similar situations, they are practising that skill.

The CHAIR — Thank you; that is all I need. You note that VMAC is a body dominated by the TAC, police and VicRoads, which discouraged programs that encourage motorcycling. Can you name any specific examples of where VMAC has discouraged programs that might encourage motorcycling?

Mr CZAJKA — For starters, does VicRoads have specific programs? I do not know.

Mr CODOGNOTTO — It is more subtle than that. It discourages input that might develop programs that might encourage motorcycling. Once upon a time they actually had the policy of not to do anything that could be construed as encouraging motorcycling in case people took it up. That is not me saying that; that was published in the *Age* and it is in our submission. The rider training people put that up. That is a fact of life: they had that policy. They said they got rid of that policy, but when we try to have input, the doors are closed. The policy is still there.

Mr CZAJKA — Could I add one? VicRoads is only responsible for roads, but we know that a large number of injuries are coming from off-road areas, so it did not want to deal with it. We even got a letter many years ago from a surgeon — possibly the one who came in earlier — asking us to do something about it, but we never followed it up. I did, but nobody wanted to follow it up. We had to go to the Auditor-General to get him to review the situation. It was me and Damien who did that.

The CHAIR — To follow up which situation, sorry?

Mr CZAJKA — The situation of off-road riders and hospital data. One of the places we cannot get hold of timely data on is hospitals. It is the same with the TAC; we really do not get much of its data. We have some that it puts online, but there are more questions which should be asked, which go to the heart. These are often financial questions, and some of the data is a little bit sensitive for the TAC.

Mr CODOGNOTTO — An independent road safety authority would have the authority to ask those questions and get them answered. As individuals who are basically just road users, we do not have the authority — —

Mr LANGUILLER — Sorry, if I may, VicRoads may put to you that it is questionable as to whether it is responsible at all for off-road areas.

Mr CZAJKA — They are not.

Mr CODOGNOTTO — But we do not even get to have the debate.

Mr CZAJKA — They are not responsible, but the fund that was set up was meant to be for all riders, and the problem is that off-road riding is driving much of the on-road accidents particularly because we have reclassified many tracks as roads.

Mr CODOGNOTTO — The off-road statistics inflate the on-road statistics, so we get a distorted image and we get draconian proposals that are not based on good, hard facts.

Mr CZAJKA — No, and people are not interested in looking because it is not in their best interests.

The CHAIR — Thank you. My colleagues have a couple of questions.

Mr ELSBURY — Just on a theme you have probably heard, considering you have been here for the majority of the hearings so far: would you support a brief motorcycle training course for drivers to understand the exposure that a motorcyclist has?

Mr CODOGNOTTO — The way it used to work in Victoria was you could get a motorcycle learners permit at 16 years and 9 months and a car learners permit at 17 years and 9 months. So most people went: pushbike, small motorbike, car — and that was the system; there was no formal rider training. Yes, as a rider trainer said, they do not have the resources to train every car driver. But the more car drivers who will do a course, the better off we are going to be. You have said that you notice bikes more now. If we can just get a good percentage of car drivers to notice us more, we will be better off.

Mr ELSBURY — Having said that, though, I have had incidents recently where I have not seen the bike because the rider has done something.

Mr CZAJKA — It is a two-way process.

Mr ELSBURY — Exactly. I am sure I have seen a bike changing lanes in the middle of an intersection, which is just something you are not supposed to do at all, and then decide to lane split and do warp factor 5 to go through traffic.

Mr CODOGNOTTO — What I would say to that is that — —

Mr ELSBURY — That leads on to my next question, actually. About the Reduce the Risks campaign, you noted that you feel that is putting a lot of weight on motorcyclists. But by the same token, there is also the Wipe Off 5 campaign that would, by the same instance, suggest that every single motorist is a leadfoot and is going to run down any pedestrian within a 500-metre radius. You accept that it is a two-way street of trying to convince all road users to reduce the risks that are on the road and respect one another's space.

Mr CZAJKA — It would be nice if the risks were portrayed realistically. Currently one of the areas they have highlighted is lane splitting at speed. The TAC has presented absolutely no evidence of this. They have tried in the past, but I have seen no evidence that that is one of the risky things to do. Let us target the things that actually are causing the accidents rather than the ones that are perceived to be risky or perceived to be causing accidents.

Mr CODOGNOTTO — There are expert riders who have said that that particular advertisement — you have probably seen it — where the bike ‘high sides’, as they call it, and the rider goes into the front of an oncoming van, was set up more to win an Academy Award for shock horror than it ever was about a real situation. It is nonsense. I would rather the money was spent at the Alfred hospital, but if you are going to do something and spend all of that money, at least get the information and do it right.

Mr ELSBURY — I went up to the bushfire recovery. When we were there trying to help out with fences and everything being fixed the police were dragged away from where we were to deal with a single-vehicle motorcycle accident. He just took the corner too hot.

Mr CODOGNOTTO — How do you know it was single vehicle?

Mr ELSBURY — It was single — the skid mark was straight ahead, straight off the edge.

Mr CODOGNOTTO — He wasn’t avoiding something?

Mr ELSBURY — He was going straight on.

Mr CZAJKA — A large number of motorcycle accidents involve another unknown thing or vehicle. I have a friend with a photograph of her tank with a tyre mark on it, and it went down as a single-vehicle accident.

Before you close, I did a little bit of costing on front numberplates a while ago, looking at some of the data that probably was not presented. These are slightly old figures, but the general gist should be of interest to the committee.

The CHAIR — In two sentences, summarise the general gist so that we can refer to it and we can pass it through.

Mr CZAJKA — The general gist is that speed cameras shoot from the back, not from the front. Virtually none shoot from the front. If they were to do something, the cameras possibly should shoot from both directions, in which case it would not be any inconvenience.

The CHAIR — You have raised a good point. We can write to the police and get an answer to that question.

Mr LANGUILLER — I just have one comment to put to you. I refer you to the Road Safety Act 1986, section 3, page 35. It reads as follows:

road means—

- (a) an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles; or
- (b) a place that is a road by virtue of a declaration under subsection (2)(a)—

but does not include a place that is not a road by virtue of a declaration under subsection (2)(a) ...

You suggested that VicRoads is not responsible for off-roads. I am not legally trained, but on my reading of it I think it is clearly the case that VicRoads is responsible for off-roads. I cannot read it any other way.

Mr CZAJKA — No, it says only tracks, but riders do not actually ride on most — —

Mr LANGUILLER — It says ‘an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles’.

Mr CZAJKA — It has to be declared, usually. Open space is usually not considered road or covered by the TAC, but if it is a track that is declared, they pay for it. But your point is taken. It could be interpreted that way. The point is I do not think it has been.

Mr LANGUILLER — That is a different question — not by them.

The CHAIR — It is an interesting point you raise. I appreciate Mr Languiller's insight as well. We might make it a focus of comment or analysis further, because sometimes the riders go off-road as well, so to speak — not on a track, not on a road, but making their own way through the bush.

Mr CZAJKA — When they are thinking 'off-road' they often include tracks, except that tracks are often now deserted roads, and they do not realise that. It works to the TAC's detriment, but it certainly should be within the realm of VicRoads, and they have not been interested in doing anything about this. These roads are often under the control of Parks Victoria or other authorities, and VicRoads does not want to get involved. In fact we had a fatality in Albert Park a while ago where we found out Parks Victoria did not have to adhere to any of the road design guidelines, and that resulted in a fatality.

The CHAIR — Michael, we are getting a cue from the back somewhere that time is nearing an end. Thank you for your time. You will get a copy of the Hansard transcript. If there are other issues that need to be addressed by us as a committee, we are happy to maintain a dialogue with you. We appreciate the time that you have given to this matter. Mr Perera, I heard, would like to make a comment.

Mr PERERA — I have a quick question. The TAC may have, but VicRoads has no responsibility for back roads, does it?

Mr CZAJKA — No, if it is a gazetted road it is a road, but VicRoads is not interested in what they consider trail bike riding. We could not get them interested.

Mr PERERA — VicRoads have designated roads which they have responsibility for.

Mr CZAJKA — Yes.

Mr PERERA — Even with back roads normally they have the responsibility. VicRoads do not have any responsibility, but the TAC do.

The CHAIR — I suggest that this is a discussion we could have beyond here.

Mr CZAJKA — The TAC should, but the Auditor-General's report says they do not. Most of the people were not covered. It is a useful point, though.

The CHAIR — Please feel free to continue that debate with Mr Perera, and feed it back into us here so that we do get a more finely tuned resolution of a matter that should be determined on a precise factual basis, so to speak.

Mr CZAJKA — The Auditor-General's report gives those figures, and they are huge. It is a huge elephant.

Mr PERERA — That is not VicRoads.

The CHAIR — We do not want to leave any elephants in the room on that particular topic.

Mr CZAJKA — I understand the committee has taken it on board.

The CHAIR — We have taken it on board and will rely upon our clear-minded research staff to analyse it further. Thank you for your time.

Mr CODOGNOTTO — I would like to leave those documents. They cover the issues we have been discussing. I would like to thank the committee very much for giving us so much time.

Mr LANGUILLER — For incorporating *Yes, Minister* as well.

The CHAIR — We do not have any Hackers on this particular committee.

Mr CODOGNOTTO — It is not the Hackers you have to worry about, it is the Sir Humphreys. Jim Hacker was a good-hearted man.

The CHAIR — I pay tribute to the good work of Jonathan Lynn and Antony Jay, who wrote the series. We are all more wisely informed from it and trust that some of their reflections might guide our best work. Thank you.

Witnesses withdrew.